

*ORDER FOR LEAVE TO FILE
REPLY IS GRANTED.*

John Bryant, USMS

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

Steven Bengelsdorf, MD, PLLC)
d/b/a The Franklin Center For)
Skin and Laser Surgery and)
Steven Bengelsdorf,) Civil Action No: 3:09-cv-00911
Plaintiffs,) Judge Nixon
v.) Magistrate Bryant
Lumenis Inc.,) Jury Demand In Complaint
Defendant.)

**PLAINTIFFS' MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF MOTION TO
COMPEL AND FOR LEAVE TO AMEND COMPLAINT, IF NECESSARY**

COME NOW Plaintiffs Steven Bengelsdorf, M.D., P.L.L.C. d/b/a The Franklin Center for Skin and Laser Surgery ("Franklin Center") and Steven Bengelsdorf ("Dr. Bengelsdorf"), by and through their undersigned counsel, and respectfully requests leave of the Court pursuant to Local Rule 7.01(b) to file a Reply in Support of their Motion to Compel. In support, Plaintiffs submit the attached Reply in Support of their Motion to Compel.

Further, should the Court determine, pursuant to its consideration of Plaintiffs' Motion to Compel and Memorandum in Support (Doc. Nos. 24 & 25), Defendant's Response (Doc. No. 26), and, if leave is granted, Plaintiffs' Reply, that Plaintiffs' Complaint did not provide Defendant with notice of the statements and theories set forth by Plaintiffs in their Memorandum in Support as alleged by Defendant in its Response, Plaintiffs also respectfully request leave of the Court pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure and ¶ 5.B of the Second Modified Case Management Order (Doc. No. 22) to amend its Complaint to include such